

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

KEENAN ELLSBERRY,

Plaintiff,

v.

CITY OF DETROIT, et al.,

Defendants.

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CIVIL ACTION NO. 12-10934  
DISTRICT JUDGE GERALD E. ROSEN  
MAGISTRATE JUDGE MARK A. RANDON

**ORDER ON PENDING DISCOVERY MOTIONS (DKT. NOS. 37, 38 AND 39)**

Three motions are pending: (1) Plaintiff's Motion to Enforce Order of the Court (Dkt. No. 37); (2) Defendants' Motion to Compel Initial Disclosures, Answers to Interrogatories and Responses to Document Requests (Dkt. No. 38); and (3) Plaintiff's Second Motion to Compel Production (Dkt. No. 39). The Court read the parties' submissions (Dkt. Nos. 37, 38, 39, 43, 48 and 49); oral argument was heard on November 8, 2012.

Being otherwise fully advised, and for the reasons stated on the record, IT IS ORDERED that on or before December 7, 2012:

A. Defendants shall:

1. submit to the Court the so-called "Investigators Report" (omitted from the Internal Affairs ("IA") file) for an in-camera inspection. Defendants shall also provide Plaintiff's counsel with a list, from the custodian of the records, of all documents contained in the IA file;
2. provide to Plaintiff's counsel, in writing, the status (existence or non-existence) of (a) any police vehicle in-car video, and (b) any notification and control recordings regarding the May 2, 2011 incident;
3. make available for inspection any disciplinary files of the Police Officer Defendants located in: (a) the Office of the Chief Investigator, (b) the Office of Disciplinary Administration, and (c) the Office of Internal Affairs;

4. produce to Plaintiff a copy of the current collective bargaining agreement between the City of Detroit and the Detroit Police Officers' Union;
5. produce performance evaluations of the Police Officer Defendants for the past 5 years.

B. Plaintiff shall:

1. provide to Defendants a signed authorization for: (a) medical records and (b) income tax records;
2. provide any and all documentation, which support Plaintiff's damages claims.

No costs or attorney fees are awarded.

s/Mark A. Randon  
MARK A. RANDON  
UNITED STATES MAGISTRATE JUDGE

Dated: November 9, 2012

**Certificate of Service**

*I hereby certify that a copy of the foregoing document was served on the parties of record on this date, November 9, 2012, by electronic and/or first class U.S. mail.*

s/Melody R. Miles  
Case Manager to Magistrate Judge Mark A. Randon  
(313) 234-5540